THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :20587 2007

DATED:01-10-2007

BETWEEN:

Putta Venkatesam Chetty.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Secretary,
Revenue Department,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the order of the 3rd respondent in proceedings Ref.E/499/2007, dated 04-08-2007, declining to grant stay in respect of the petitioner's agricultural lands admeasuring Ac.5.38 cents situated in Sy.No.267/1; Ac.1.22 in Sy.No268/1; Ac.0.78, in Sy.No.268/2; Ac.1.79 in Sy.No.268/3A, Ac.1.59 of Thadigotla village, C.K.Dinne mandal, Kadapa District, as illegal and arbitrary.

3. It is stated that as against the order passed by the Mandal Revenue Officer, C.K.Dinne in proceedings Ref.B.No.430/96, dated 16-01-2007, under Section 6 of the A.P.Land Encroachment Act, 1905 (for brevity, 'the Act') for eviction of the petitioner from the lands in his occupation of an extent of Ac.1.22 cents; Ac.0.78 cents; Ac.1.59 cents in Sy.Nos.267/1; 268/1; 268/2 and 268/3A, petitioner filed an appeal before the 3rd respondent-Revenue Divisional Officer, Kadapa, and the 3rd respondent by order in Ref.E/499/07, dated 04-08-2007, while admitting the appeal refused to grant stay.

4. Learned Government Pleader on obtaining written instructions submits that the appeal is admitted and the case is

posted for hearing to 27-07-2007. It is stated that the stay application has been rejected.

5. Having regard to the facts and circumstances of the case, 3rd respondent is directed to consider and dispose of the aforesaid appeal in accordance with law, as expeditiously as possible, and pending disposal of the appeal *status quo* obtaining as on today with regard to possession shall be maintained.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

01st October, 2007.
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